

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CASE NO: CR-1-02-107
vs.)	
)	
TRACY M. PESKIN,)	MAGISTRATE JUDGE HOGAN
)	
SSN: XXX-XX-8026)	
Defendant,)	
)	
and)	
)	
Lowe's Companies, Inc.)	
)	
Garnishee.)	

APPLICATION FOR A WRIT OF CONTINUING GARNISHMENT

Now comes the United States of America by its representative the United States Attorney for the Southern District of Ohio and for its cause of action alleges:

1. Plaintiff, United States of America, pursuant to Title 28 U.S.C. §3205 (b)(1), requests the issuance of a Writ of Continuing Garnishment against certain property of the Defendant, Tracy M. Peskin , also referred to as "debtor" or "judgment debtor" which is (or may become) in the possession, custody or control of Lowe's Companies, Inc., Garnishee herein, for satisfaction of the monies owed by said Defendant, to the United States of America upon the judgment entered against the Defendant in the above-captioned case.

2. This debt arises from the December 19, 2002 judgment entered in favor of the Plaintiff against Defendant in Action No. CR-1-02-107. The amount of said judgment debt that remains unpaid and due and owing is: \$2,644.29 (\$2,380.00 principal, \$26.29 interest and penalties

\$238.00) as of November 1, 2007, with additional interest accruing thereafter at the rate of 1.41 percent per annum. Plaintiff further requests that it be allowed to recover as part of this garnishment, a surcharge of ten percent (10%) of the amount of the currently outstanding debt pursuant to 28 U.S.C. § 3011(a).

3. Defendant's last known address is: 4711 Burnett Avenue, Cincinnati, OH 45217.

4. Not less than 30 days has elapsed since demand for payment of the above stated debt was made upon debtor. The last demand notice for payment was November 1, 2007. Since that time the judgment debtor has failed to pay the amount due.

5. The Garnishee is believed to have possession of property (including but not limited to nonexempt disposable earnings), in which the judgment debtor has a substantial nonexempt interest, and will owe the money or property to the judgment debtor.

6. The name and address of the Garnishee or its authorized agent is:

Lowe's Companies, Inc.
P.O. Box 1111
North Wilkesboro, NC 28656

The requirements of Title 28 U.S.C. § 3205 (b) having been satisfied, Plaintiff, United States of America hereby requests the issuance of a Writ of Continuing Garnishment.

Respectfully submitted,

GREGORY G. LOCKHART
United States Attorney

s/Deborah F. Sanders
DEBORAH F. SANDERS (0043575)
Assistant United States Attorney
Southern District of Ohio
303 Marconi Boulevard, Suite 200
Columbus, Ohio 43215-2401
(614) 469-5715

CERTIFICATE OF SERVICE

A true copy of the above and foregoing Application for a Writ of Continuing Garnishment was electronically filed with the Clerk of the Court using the CM/ECF system and mailed to by first class mail, postage prepaid, this 10th day of January, 2008 to:

Tracy M. Peskin
4711 Burnett Avenue
Cincinnati, OH 45217

Lowe's Companies, Inc.
Attn: Payroll
P.O. Box 1111
North Wilkesboro, NC 28656

s/Deborah F. Sanders

DEBORAH F. SANDERS (0043575)
Assistant United States Attorney